

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENNIE GRIFFIN,
Plaintiffs,

vs

Case No: 15-10522
Honorable Victoria A. Roberts

AJAX PAVING INDUSTRIES, INC.,

Defendants.

ORDER DENYING MOTION TO FILE FIRST AMENDED COMPLAINT

Plaintiff filed the above entitled motion (Doc. #12). He alleges that during the course of discovery, the names of other employees of Defendant surfaced who may have claim of race discrimination as well. The motion is fully brief and is **DENIED**.

Each new proposed plaintiff has his own start date and position with the Defendant; each has his own claims of discrimination. The first 97 paragraphs of the proposed amended complaint are intended as joint allegations, but they set forth separate and distinct allegations pertaining to both the original Plaintiff and each proposed new plaintiff. The three substantive counts only mention the original Plaintiff.

Fed. R. Civ. P. 20 states:

(a) **Persons Who May Join or Be Joined.**

(1) ***Plaintiffs.*** Persons may join in one action as plaintiffs if:

(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or

occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.

Neither party relies on this rule in motion papers.

These new claims do not arise from the same transaction, occurrence or series of transactions alleged by Plaintiff.

Each of these proposed plaintiffs has his own liability to prove, and his own claim for damages.

If this case with new plaintiffs added were to go to trial, the Court would need to conduct five trials within one.

In his reply brief, Plaintiff says that the Sixth Circuit allows plaintiffs to present testimony of workers who suffered similar discrimination from the same actor and under similar circumstances. While that may be true, that is a matter for trial; it does not mean that those workers who allege similar discrimination can be joined as parties in pending litigation.

This is an improper joinder of plaintiffs and claims. The requirements of Fed. R. Civ. P. 20 have not been met. The motion is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: August 21, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on August 21, 2015.

s/Linda Vertriest _____
Deputy Clerk